

## **REMARKS**

### **I. Introduction**

With the cancellation herein without prejudice of claim 10, claims 8, 9, 11, 12, and 14 to 18 are now pending in the present application, since claims 1 to 7 and 13 were previously canceled. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable and reconsideration is respectfully requested.

### **II. Rejection of Claims 8 to 12 and 14 to 15 under 35 U.S.C. §103(a)**

Claims 8 to 12 and 14 to 15 were rejected under 35 U.S.C. §103(a) as unpatentable over the combination of U.S. Patent No. 6,894,606 (“Forbes”), Japanese Publication No. JP2000225877 (“Yoshinori”), U.S. Patent No. 5,835,028 (“Bender”), U.S. Patent No. 3,902,687 (“Hightower”), U.S. Patent No. 7,266,220 (“Sato”), and U.S. Publication No. 2002/0176605 (“Strafsudd”). The rejection should be withdrawn for at least the following reasons.

As an initial matter, claim 10 has been canceled herein without prejudice, thereby rendering moot the present rejection with respect to that claim.

As for the remaining claims, in order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must teach or suggest each element of the claim. *See Northern Telecom, Inc. v. Datapoint Corp.*, 908 F.2d 931, 934 (Fed. Cir. 1990), *cert. denied*, 111 S. Ct. 296 (1990); *In re Bond*, 910 F.2d 831, 834 (Fed. Cir. 1990). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007).

Claim 8 relates to a lane assist system for a motor vehicle, and, as herein amended without prejudice, provides for a device for alerting a driver of the vehicle in the event that the vehicle at least one of (a) threatens to depart the lane and (b) actually departs the lane, the device being adapted to cause a vibration, noticeable to the driver, in a driver

seat on a side of a seating surface on which a lane departure at least one of (a) threatens and (b) is taking place, the vibration being produced by a vibration mat underneath the seating surface of the driver seat, the vibration mat being adapted to be activated separately for the left and right side. The amendment is supported by the substitute specification at least at page 5, lines 24 to 26. The combination of Forbes, Yoshinori, Bender, Hightower, Sato, and Stafsuud does not disclose or suggest these claim features. That is, none of these references, whether considered alone or in combination, discloses or suggests a vibration produced by a vibration mat underneath the seating surface of the driver seat, the vibration mat being adapted to be activated separately for the left and right side.

Accordingly, the cited references do not disclose or suggest all of the features of claim 8, so that the cited references do not render unpatentable claim 8 or any of its dependent claims 9, 11 to 12 and 15.

Claims 14 has been amended herein to include subject matter analogous to that of claim 8, so that the cited references do not render unpatentable claim 14 for at least essentially the same reasons as claim 8.

Withdrawal of this obviousness rejection is therefore respectfully requested.

### **III. Rejection of Claims 16 to 18 under 35 U.S.C. §103(a)**

Claims 16 to 18 were rejected under 35 U.S.C. §103(a) as unpatentable over Forbes, Yoshinori, Bender, Hightower, and U.S. Patent No. 5,745,034 (“Andersen”). The rejection should be withdrawn for at least the following reasons.

Claim 16 relates to a lane assist system for a motor vehicle, and, as herein amended without prejudice, provides for outputting an audible or visual warning signal if it is determined that a driver has not reacted to a vibration signal and that the vehicle continues to depart to threaten to depart a lane. The Office Action refers to Andersen as assertedly disclosing the feature of outputting a visual warning if a vibration is ignored. However, Andersen provides for outputting the visual warning as long as a person who, it has been sensed, may be experiencing fear has not disarmed an initial alarm. Andersen does not disclose or suggest outputting an audible or visual signal if continued veering from a lane or a threat to do so is determined. The other cited references do not correct this critical deficiency of the Andersen reference.

Accordingly, the combination of Forbes, Yoshinori, Bender, Hightower, and Andersen does not disclose or suggest all of the features of claim 16, so that the combination

of Forbes, Yoshinori, Bender, Hightower, and Andersen does not render unpatentable claim 16 or its dependent claim 18.

Claim 17 relates to a method for operating a lane assist system for a motor vehicle, and, as herein amended without prejudice, provides for generating a warning for a driver of the vehicle in the event that the vehicle (a) threatens to depart the lane and/or (b) actually departs the lane, where the generating of the warning includes generating a vibration, noticeable to the driver, in a driver seat on a side of a seating surface on which a lane departure (a) threatens and/or (b) is taking place, where the vibration is produced by a vibration mat underneath the seating surface of the driver seat, the vibration mat being adapted to be activated separately for the left and right side. The amendment is supported by the substitute specification at least at page 5, lines 24 to 26. The combination of Forbes, Yoshinori, Bender, Hightower, and Andersen does not disclose or suggest these claim features. That is, none of these references, whether considered alone or in combination, discloses or suggests a vibration produced by a vibration mat underneath the seating surface of the driver seat, the vibration mat being adapted to be activated separately for the left and right side.

Accordingly, the combination of Forbes, Yoshinori, Bender, Hightower, and Andersen does not disclose or suggest all of the features of claim 17, so that the combination of Forbes, Yoshinori, Bender, Hightower, and Andersen does not render unpatentable claim 17.

Withdrawal of this obviousness rejection is therefore respectfully requested.

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**Conclusion**

In view of the foregoing, it is respectfully submitted that all of the pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,  
KENYON & KENYON LLP

Dated: March 2, 2009 By: Aaron Grunberger (Reg. No. 59,210) for:  
Gerard A. Messina  
Reg. No. 35,952  
One Broadway  
New York, NY 10004  
(212) 425-7200  
**CUSTOMER NO. 26646**